## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY SYNAN	)
Plaintiff,	)
<b>v.</b>	) Civil No. 18-1519
CREDIT ACCEPATANCE	)
CORPORATION and UNITED	)
TOWING SERVICE, LLC	)
	)
Defendants.	)

## ORDER ON MOTION FOR RECONSIDERATION

Presently before the Court is Plaintiff's motion for reconsideration (ECF No. 14) of the Court's Order (ECF No. 13) granting Defendants' motions to compel arbitration. Plaintiff correctly points out that because the Court determined that the parties' dispute was subject to their arbitration agreement it was error to dismiss Counts IV and V. <u>Lloyd v. HOVENSA, LLC.</u>, 369 F.3d 263, 269 (3d Cir. 2004). Accordingly, the following Order is hereby entered.

AND NOW, this 26<sup>th</sup> day of December, 2018, it is hereby ORDERED that the Court's December 18, 2018 Order (ECF No. 13) is hereby AMENDED as follows:

1. The following paragraph is stricken from the Order:

Plaintiff does not address and therefore implicitly concedes that Defendant Credit Acceptance Corporation is correct in that the common law claims asserted in Counts IV and V must be dismissed as they are displaced by the UCC's comprehensive model statutory scheme. Accordingly, Counts IV and V of the Amended Complaint are dismissed with prejudice.

2. Counts IV and V of Plaintiff's Amended Complaint are hereby reinstated.

Marilyn J. Høran

United States District Court Judge